

**BakerHostetler**

**Baker&Hostetler LLP**

45 Rockefeller Plaza  
New York, NY 10111

T 212.589.4200  
F 212.589.4201  
www.bakerlaw.com

Seanna R. Brown  
direct dial: 212.589.4230  
sbrown@bakerlaw.com

August 2, 2016

**VIA ECF, ELECTRONIC MAIL, HAND DELIVERY**

Honorable Stuart M. Bernstein  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, Room 723  
New York, New York 10004-1408  
Bernstein.chambers@nysb.uscourts.gov

*Re: SIPC v. Bernard L. Madoff Investment Securities, LLC*, 08-01789 (SMB) – Profit  
Withdrawal Litigation

Dear Judge Bernstein:

We are counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* and the estate of Bernard L. Madoff. We write to request a conference with the Court, pursuant to Local Bankruptcy Rule 7007-1(b) and your Honor’s Chambers Rules, in connection with an issue that has arisen out of a discrete area of inquiry at the June 15, 2016 deposition of Mr. Madoff, which is still subject to a protective order.

In the six weeks since the deposition, we have been attempting to resolve the issue with Helen Chaitman without Court intervention but have not been successful. To fully brief the Court on the issue, the Trustee will need to make reference to the area of inquiry in the deposition. The Trustee is not filing on the docket with this letter the correspondence with Ms. Chaitman on the issue because such correspondence also makes reference to the area of inquiry. The Trustee will hand deliver the correspondence and the transcript of Mr. Madoff’s deposition testimony and related exhibits should the Court prefer to review those materials in advance of any Chambers conference the Court may schedule.

Finally, we do not believe that any counsel other than the Trustee, Ms. Chaitman or an attorney from her firm, and counsel from Schulte Roth and Zabel LLP, attorneys for the Picower

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Parties, should attend the conference. The issue is not directly related to the request to depose Mr. Madoff a second time but relates in part to the Picower Parties, who join in this request.

Respectfully submitted,

*/s/ Seanna R. Brown*

Seanna R. Brown  
Partner

cc: Helen Davis Chaitman  
Marcy R. Harris  
David J. Sheehan  
Karin S. Jenson  
Edward Jacobs  
Amy E. Vanderwal